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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,549	01/08/2007	Andrew Thoeke	5459-113US P32 277 USA	2652

20/002

7590

08/29/2008

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EXAMINER

TO, JENNIFER N

ART UNIT

PAPER NUMBER

2195

MAIL DATE

DELIVERY MODE

08/29/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/595,549

Applicant(s)

THOELKE, ANDREW

Examiner

JENNIFER N. TO

Art Unit

2195

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 4-6 and 8-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4-6 and 8-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1, 4-6, and 8-10 are pending for examination.
2. Claims 9-10 are objected to because of the following informalities: it is uncertain claims 9-10 are dependent claims of claim 1, or independent claims. Appropriate correction is required (i.e. cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 4-6, and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richardson et al. (hereafter Richardson) (U.S. Patent No. 6874148), an in view of IBM Technical Disclosure (hereafter IBM) ("Forwarder Dynamic Link Libraries as a Method for Service Software", IBM Corp, New York, Vol. 38, No. 11, 1995, pages 407-408).
5. IBM was cited in the previous office action.

6. As per claim 1, Richardson teaches the invention substantially as claimed including a method of operating a computing device having an operating system and a dynamic link library containing a plurality of functions accessible by an executable program each function in the dynamic link library being associated with an ordinary number (figs. 4A-4B; abstract; col. 4, lines 33-52), the method comprising:

providing the dynamic link library as a first part containing one or more of the plurality of functions (figs. 4A-4B; col. 9, lines 9-44);

causing the executable program to link to functions in the first part directly by means of the associated ordinal numbers (col. 9, line 60 through col. 10, line 46).

7. Richardson did not specifically teach providing the dynamic link library as an extension part containing one or more of the plurality of functions, and causing the executable program to link to functions in the extension part indirectly via a further library containing additional functions.

8. However, IBM teaches providing the dynamic link library as an extension part containing one or more of the plurality of functions, and causing the executable program to link to functions in the extension part indirectly via a further library containing additional functions (figs. 1-2, pages 407-408).

9. It would have been obvious to one of an ordinary skill in the art at the time the invention was made to have combined the teaching of Richardson and IBM because

IBM teaching of providing the dynamic link library as an extension part containing one or more of the plurality of functions, and causing the executable program to link to functions in the extension part indirectly via a further library containing additional functions would improved the integrity of Richardson 's system by allowing the software developers with no access to the underlying primary code to properly design, document interfaces, fix, and enhance in the DLLs (IBM, page 408).

10. As per claim 4, IBM teaches that wherein further library is arranged to link to a plurality of dynamic link libraries in the computing device (figs. 1-2).

11. As per claim 5, Richardson teaches that wherein read only memory (ROM) code for use within the computing device is accessible only via further library (col. 7, lines 20-34).

12. As per claim 6, IBM teaches that wherein functions within extension part are provided as private functions (pages 407-408).

13. As per claim 8, Richardson teaches that wherein the one or more functions in the first part form part of the operating system (abstract).

14. As per claims 9-10, they are rejected for the same reason as claim 1 above.

Response to Arguments

15. Applicant's arguments with respect to claims 1, 4-6, and 8-10 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (see attached PTO 892 form for details).

17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JENNIFER N. TO whose telephone number is (571)272-7212. The examiner can normally be reached on M-T 6AM- 3:30 PM, F 6AM- 2:30 PM.

19. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

20. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Meng-Ai An/
Supervisory Patent Examiner, Art Unit 2195

Jennifer N. To
Patent Examiner
AU 2195

